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SUBREGIONAL WORKSHOP ON THE  
IMPLEMENTATION OF THE CONCLUDING  
OBSERVATIONS OF THE COMMITTEE  
ON THE RIGHTS OF THE CHILD  
San José, 30 October to 1 November 2006

**REPORT OF THE SUBREGIONAL WORKSHOP ON  
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**I. INTRODUCTION**

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with Plan International and the Government of Costa Rica, organized a Subregional Workshop on the implementation of the concluding observations of the Committee on the Rights of the Child, which took place in San José from 30 October to 1 November 2006.

2. The Workshop, in which the Government of Costa Rica, the United Nations Children's Fund (UNICEF), the Pan American Health Organization (PAHO) and the World Health Organization (WHO) collaborated, was aimed at government representatives, non-governmental organizations (NGOs), national human rights institutions, parliamentarians and journalists from Belize, Costa Rica, Cuba, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama. A total of about 150 people participated in the event.

3. The Workshop took place at the National Children's Trust (PANI) in San José. It consisted of two parts: plenary meetings with various presentations in the morning, followed by working groups in the afternoon. Committee members took part, as experts, in both the plenary meetings and the working groups.

4. In the afternoons of the first and second days, the participants split into six groups to work on six different themes:

(a) Theme 1: Juvenile justice, moderated by Mr. Jean Zermatten, member of the Committee on the Rights of the Child;

(b) Theme 2: Health, in particular adolescent health, moderated by Mr. Norberto Liwski, Vice-Chairperson and member of the Committee;

(c) Theme 3: Economic and sexual exploitation, moderated by Mr. Kamel Filali, member of the Committee;

(d) Theme 4: Education, moderated by Mr. Vernor Muñoz, Special Rapporteur on the right to education;

(e) Theme 5: Violence, moderated by Mr. Markus Schmidt, Human Rights Officer of the Office of the United Nations High Commissioner for Human Rights;

(f) Theme 6: Application and monitoring mechanisms, moderated by Ms. Rosa María Ortiz, member of the Committee.

5. In each group, an expert gave a presentation on the theme, a facilitator coordinated the discussion and a rapporteur was elected from among the participants. The participants were provided with the recommendations adopted by the Committee in respect of the countries of the subregion that were directly related to the themes put forward. The working groups engaged in in-depth discussions on achievements and possible constraints in implementing the recommendations. The participants also considered why the recommendations had been partially or fully implemented in some States parties and not in others. The various recommendations that each group could formulate to enhance follow-up to and implementation of the Committee's final recommendations were also discussed. Each group drafted and adopted 10 recommendations to that end.

6. In the afternoon of the third day, the recommendations of the Workshop's thematic groups were presented and formally adopted in plenary. The closing ceremony followed, in the presence of Dr. Oscar Arias Sánchez, President of the Republic of Costa Rica.

7. The Workshop was opened by Mr. José Joaquín Chavarri, Director of Foreign Policy of the Ministry of Foreign Affairs and Religion of the Republic of Costa Rica, Ms. Carmen Rosa Villa, Regional Representative for Latin America and the Caribbean of the Office of the United Nations High Commissioner for Human Rights, Mr. Jakob Egbert Doek, Chairperson of the Committee on the Rights of the Child, Mr. Nils Kastberg, UNICEF Regional Director for Latin America and the Caribbean, Mr. Matthew Carlson, Regional Director for Plan International in Latin America and the Caribbean and Mr. Mario Viquez, President of PANI-Costa Rica. The opening statements emphasized the importance of using the final recommendations issued by the Committee as a tool to focus on ways of implementing the rights set forth in the Convention on the Rights of the Child.

8. On the morning of the first day, a presentation on the methodology and aim of the event was given by Mr. Christian Guillermet, of the Office of the United Nations High Commissioner for Human Rights, and Ms. Débora Cobar, of Plan International, highlighting the objective of strengthening the capacity of Governments to promote the ratification and presentation of reports, to reconsider and analyse the implementation of the recommendations contained in the Committee's concluding observations, and to form networks to assist in these processes. To illustrate the procedure for the presentation of reports, they showed extracts from the film "The Treaty Bodies: Bringing Human Rights Home", produced by the Office of the United Nations High Commissioner for Human Rights.

9. During the same morning meetings, there were also substantive presentations providing a general overview of the situation of children in Latin America and the work of the Committee. Mr. Nils Kastberg, UNICEF Regional Director for Latin America and the Caribbean, referred specifically to legislative progress and the challenges to achieving the implementation of rights in the subregion. Economic growth in the region has not led to a significant reduction in poverty, and children continue to be those most affected by both poverty and extreme poverty. The inequalities between countries should be highlighted, as should the link between those disparities and ethnic origin. Indigenous populations and those of African descent do not enjoy their right to education and continue to suffer from high infant mortality rates and malnutrition. It is vital to raise awareness of problems that have not yet been recognized, such as violence, in particular domestic violence, and the increased incidence of HIV/AIDS among adolescent girls in Latin America. The situation with regard to the murder and disappearance of children in

Central America remains serious. Provision for the compulsory registration of births is a key factor. To ensure satisfactory follow-up to the commitments made, it is essential to measure social investment, to demand accountability and to obtain disaggregated information in order to identify groups at risk. UNICEF will continue to contribute to the consideration of reports and to provide support for the implementation of the Committee's recommendations.

10. Mr. Norberto Liwski, member and Vice-Chairperson of the Committee on the Rights of the Child, renewed some of the challenges facing the Committee in the region. Among those challenges, he underlined the importance of creating and maintaining partnerships in the region with, among others, rights holders, Governments, civil society, parliamentarians and journalists, in order to implement and promote the recommendations. The Committee appreciates critical and constructive comments on its recommendations and is conscious of the need to tackle problems in detail rather than adopting a general approach. The Workshop focused on six themes that were identified as priorities in the region: application and monitoring mechanisms, health, education, economic and sexual exploitation, juvenile justice, and violence. The objective of the Workshop was to try to address some of the challenges in the region, such as achieving a higher profile in the region by strengthening cooperation with civil society and Governments, intensifying the dialogue with rights holders, and analysing and identifying specific recommendations going beyond mere formal compliance.

11. The morning of the second day began with a presentation on the situation of child adoption in the region by Ms. Rosa María Ortiz, member of the Committee. Ms. Ortiz referred to the need for comprehensive protection, recognizing the rights of the child and the importance of keeping children in their family environment. Preventive measures should be put in place to support families. Protective measures outside the family should be of a temporary nature, and long-term institutionalization should be avoided. Adoption is a permanent measure that should be applied only in exceptional cases when every effort to keep the child in his or her environment has failed. It is up to the State to guarantee that adoption takes place under the control of a State institution and within an appropriate legal framework. Several countries in the region have still not ratified or do not comply with the provisions of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. In particular, she underlined the serious situation in Guatemala, which has a very high rate of adoption in comparison with other countries because there is no national regulating authority. It is essential for the region to increase its commitment to implementing a comprehensive protection system based on the best interests of the child, which should include a central monitoring body, appropriate legislation to regulate the process and sanctions to deal with abuses, especially when children are used for financial gain. She recalled the commitments undertaken upon ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

12. Mr. Jean Zermatten, member of the Committee, then introduced the theme of juvenile justice, highlighting the importance of alternatives to prison and the application of restorative justice. Mr. Elias Carranza, Director of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, referred specifically to the situation in the region, where progress has been made in adapting legislation to the Convention; however, in practice, no country fully implements the Convention. There are some serious phenomena, such as the deterioration of social and economic conditions, which are the basis and cause of juvenile delinquency. There is a direct relation between inequalities in the distribution of income,

highlighted by the Gini coefficient, and rates of juvenile delinquency. The number of children not attending school and the lack of universal access to primary education have a negative effect on juvenile delinquency levels. The overloading of and delays in the juvenile justice system lead to overcrowding in prisons. The participation of members of the police force in social cleansing campaigns in several countries is cause for concern, and particular care should be taken not to revert to situations that have already been overcome. Among the guidelines for a comprehensive prevention policy, it is worth mentioning the prudent use of a criminal justice system with restorative elements, stricter arms control, municipal prevention through community participation, improvements in social justice aiming for an equitable distribution of income and well-being, respect for the right to education, and the application of juvenile justice in accordance with the Convention on the Rights of the Child, with deprivation of liberty as a last resort.

13. The final statement on the morning of the second day was a presentation of national experience in combating violence by Ms. Mariella Greco, Director of Plan Nicaragua. She particularly focused on the prevention work carried out through the creation of and participation in an alliance of State bodies, international and national NGOs, academics and UNICEF. Work has been carried out in different areas to implement a national plan of action as well as development plans. She emphasized the value of establishing relationships with key authorities, such as the police, in order to improve aspects of protection.

14. The morning of the third day began with a session to explore the role of Governments and parliaments in implementing the Committee's recommendations. Mr. Mario Viquez, President of PANI-Costa Rica, stressed that the process of drafting a periodic report necessitates a mobilization within the Government, but it should also be an important tool for collective mobilization to encourage social reflection. At present, the report review process is far from achieving these goals. It is also important to create national committees for follow-up to the Committee's recommendations. Mr. Miguel López Baldizón, member of Parliament of Nicaragua, said that it was important for budget allocations to be consistent with the commitments made with regard to the rights of the child.

15. During the second morning session of the third day, the work of national human rights institutions and NGOs in the follow-up to the Committee's recommendations was discussed. Mr. Luís Salazar, of the Office of the National Counsel for the Defence of Human Rights of El Salvador, underlined the importance of general comment No. 2 (2002) of the Committee on the Rights of the Child on the role of independent national human rights institutions in the promotion and protection of the rights of the child. Within the framework of the periodic review of El Salvador, the Office of the National Counsel for the Defence of Human Rights opted to provide parallel information to the Committee: it participated in the preparatory meeting but declined to be part of the official delegation in order to maintain its independence; however, it was present during the review as an observer. With respect to follow-up, the national institutions play an important role in disseminating recommendations internally, incorporating those recommendations into their daily work, and also in reminding the State of its obligation to comply with international commitments. Ms. Ana Georgina Ramos de Villalta, representative of the Network for Children and Adolescents of El Salvador, an NGO, presented the follow-up strategies of NGOs and stated that it was important to facilitate the participation of children in the process. She also explored several of the actions taken by NGOs within the reporting framework, including the promotion and dissemination of the recommendations in different

sectors, investigating whether they are being implemented, and proposing legislative reforms, plans of action and programmes as well as training for professionals. Recommendations have been followed up throughout the region by submitting typical cases to the inter-American human rights system. However, one of the main obstacles continues to be a lack of political will to consider childhood a national priority.

16. The following session of the third day was dedicated to exploring the role of the media in follow-up to recommendations. Ms. María Silvia Calvo, representative of the Latin American Network of News Agencies for Children's Rights (Red ANDI) described the network's activities in the region, where its presence extended to 12 countries in 2006. Its work includes monitoring the media, thematic analysis and classification of news; in addition, it promotes the mobilization and training of journalists.

17. The final thematic session of the third day was devoted to the implementation of recommendations relating to health, with particular emphasis on the experiences of PAHO and WHO. Mr. Marcus Stahlhofer, of WHO, emphasized the relationship between human rights and health, as well as States' obligations to respect and protect by taking appropriate measures to ensure enjoyment of the right to health. He explored the rights perspective that underpins the work of WHO and its relationship with the human rights treaty bodies. WHO provides national data and analysis to the Committee for the periodic review of reports and subsequently offers technical support so that countries can apply the recommendations in their health programmes. Ms. María Elena Avalos, of the Ministry of Health of El Salvador, referred to the use of the Committee's recommendations for programming purposes by giving specific examples of follow-up that has been carried out to address the concerns highlighted by the Committee in its 2004 recommendations regarding El Salvador. Mr. Gary Robinson, representative of Child Rights Education for Professionals (CRED-PRO), stressed the importance of improving the training of professionals with regard to the rights of the child, given that this knowledge is essential for effecting change. CRED-PRO specializes in training health professionals in Latin America and works together with national associations to draw up training programmes.

## **II. RECOMMENDATIONS**

**18. The representatives of Belize, Costa Rica, Cuba, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama who participated in the Subregional Workshop on the implementation of the concluding observations of the Committee on the Rights of the Child held in San José, Costa Rica, from 30 October to 1 November 2006, adopt the following recommendations.**

### **A. Violence**

#### **General recommendations**

19. States parties are urged to establish, promote and strengthen inter-institutional coordination mechanisms, which should involve the media, for the dissemination and implementation of the recommendations issued by the Committee on the Rights of the Child.

20. It is recommended that processes for the prevention of domestic violence be promoted and strengthened, with the involvement of national human rights institutions.

21. It is recommended that States parties be encouraged to guarantee more resources for children, by studying national budgets in order to identify spending on children.

### **Specific recommendations**

22. It is recommended that laws or legislative reforms to prohibit corporal punishment be proposed, and that States parties with such laws be urged to apply them effectively.

23. States parties are urged to strengthen systems for measuring and monitoring violence, by identifying existing national, state and municipal systems; and to systematize existing policies to combat violence, facilitating the exchange of successful experiences.

24. States parties are urged to establish a computerized central register on the frequency and incidence of child labour; and to formulate, from the compiled information, concrete proposals for the amendment of relevant laws to ensure compliance with the provisions of International Labour Organization Convention No. 138 concerning Minimum Age for Admission to Employment, 1973, and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999.

25. It is recommended that independent and external monitoring mechanisms for government authorities be created, and where appropriate strengthened, to identify and investigate acts of violence against children and adolescents in institutions.

26. Pursuant to the recommendations of the Committee on the Rights of the Child, States parties are urged to strengthen juridical bodies dealing with children and adolescents who are victims of domestic violence, crimes and misdemeanours, in order to investigate, try and punish those responsible.

27. In accordance with the spirit of the Convention on the Rights of the Child with regard to the protection and best interests of the child, States parties are called upon to implement urgent measures to guarantee citizens' security, strengthen the administration of justice and due process, and control the possession of arms.

28. States parties are urged to implement and strengthen comprehensive child protection systems in all countries of the region.

29. It is recommended that alternative sanctions for adolescents in conflict with the law, such as community work, be applied or developed as substitutes for the detention of young people. The Office of the United Nations High Commissioner for Human Rights is requested to prepare a comparative study on good practices regarding alternative methods, and to provide technical assistance or training programmes in that regard.

### **B. Exploitation**

30. It is recommended that efforts be made to formulate or, where appropriate, harmonize domestic laws on the protection of children and adolescents, in accordance with the obligations



undertaken by States parties by ratifying international treaties, especially the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to prevent and combat commercial sexual exploitation, all forms of human trafficking, and labour exploitation.

31. It is recommended that training and awareness-raising strategies, aimed at society as a whole, be developed at the national and regional levels, making clear that the responsibility lies with the sexual exploiters and not the children or adolescents, in particular those belonging to vulnerable groups of the population, who are victims of commercial sexual exploitation.

32. It is recommended that memorandums of understanding be established between the different countries in the region to prevent, address and combat commercial sexual exploitation, all forms of human trafficking, and labour exploitation.

33. It is recommended that, in all countries of the region, statistical information systems, with disaggregated data by age and gender, be established or strengthened, in order to assess the scale of the problem of commercial sexual exploitation, all forms of human trafficking, and labour exploitation.

34. It is recommended that, in all countries of the region, public policies and budgets that make explicit reference to spending on children and adolescents be developed and that, furthermore, sufficient resources should be earmarked to combat commercial sexual exploitation, all forms of human trafficking and labour exploitation, based on the criteria of accountability and transparency.

35. It is recommended that, in all countries of the region, strategies for the comprehensive care of victims of commercial sexual exploitation, all forms of human trafficking and labour exploitation be fostered and that mechanisms for technical cooperation and exchange of information on models, programmes and arrangements to provide care for victims, their families and their communities be devised.

36. It is recommended that, in all countries of the region, national inter-institutional coordination mechanisms for the detection and prevention of commercial sexual exploitation, all forms of human trafficking, and labour exploitation be developed.

37. It is recommended that partnerships with the media be set up to disseminate and promote a culture of child and adolescent rights, and to spread information regarding the prohibition of commercial sexual exploitation, all forms of human trafficking, and labour exploitation, with respect for and protection of the rights of the victims.

38. It is recommended that training and awareness-raising programmes aimed specifically at children and adolescents, and involving their participation, be designed in order to generate a culture of self-care, disclosure and protection in the face of commercial sexual exploitation, all forms of human trafficking, and labour exploitation.

39. Governments are urged to apply or expand gender policies that link home, school and State; that prevent and eradicate the use of young girls for domestic work ("servants"), with

resultant dropping out from school; that ensure their reintegration through the exercise of the right to education; that promote economic support for their households; and that implement awareness-raising campaigns and programmes (including statistics on this phenomenon), aimed at girls and their families, on the risks and dangers of this serious form of economic exploitation.

### **C. Health**

40. It is recommended that an institutional legal framework be created or established to follow up the observations and recommendations of the Committee on the Rights of the Child in accordance with the legal and ethical commitments intrinsic to the ratification of the Convention on the Rights of the Child, with the participation of government, civil society, international bodies, and human rights defenders or advocates, among others.<sup>1</sup>

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<sup>1</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

State, civil society, international organizations;

(b) Legal framework:

Formal laws, decrees and regulations;

(c) Institutional framework:

National institutions, committees, councils of ministers;

(d) Communication:

Press conferences, material in official journals, on television and in educational publications;

(e) Capacity-building:

Forums, workshops of experts and multifaceted education: decision-makers and rights holders;

(f) Civil society participation:

Within the institutional framework;

(g) Other:

Possibility of consulting the Committee, as well as international bodies and NGOs, during the process.

41. It is recommended that public health policies be designed from a human rights perspective, with a guaranteed budget to ensure compliance with the observations and recommendations of the Committee on the Rights of the Child, and that State party institutions use the Committee's recommendations as a basis for these policies.<sup>2</sup>

42. It is recommended that comprehensive health-care programmes be implemented, to include health education, prevention and promotion (HIV/AIDS, sexual and reproductive health, addictions, mental health with an emphasis on adolescents affected by past armed conflicts, etc.), and aimed at changing behaviour, attitudes and practices among the population in general and children and adolescents in particular, taking account of language, culture, ethnic origin and age. To this end, it is necessary to develop training programmes for health institution employees from a rights perspective.<sup>3</sup>

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<sup>2</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Executive and legislative;

(b) Legal framework:

State budget law, decrees;

(c) Institutional framework:

Ministry of Health, Ministry of Labour and Social Security, Ministry of Education, Ministry of Foreign Affairs;

(d) Communication:

Press conferences, material in official journals, on television and in educational publications;

(e) Capacity-building:

Forums, workshops of experts and multifaceted education: decision-makers and rights holders;

(f) Civil society participation:

Within the institutional framework.

<sup>3</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Specialist technical personnel in the institutions;

43. It is recommended that poverty reduction strategies be evaluated, informed and reoriented, to reaffirm the States parties' commitments. Progress can be made in this field by coordinating the support and prevention programmes of basic social health policy and incorporating the participation of children and adolescents in the field of health.<sup>4</sup>

44. It is recommended that the presidents and health ministers of the subregion be encouraged to commit to implementing and following up the concluding observations of the Committee on the Rights of the Child relating to health and accountability, using the coordination mechanisms established for each region.<sup>5</sup>

45. Country representatives attending the Workshop are urged to commit to the presentation and dissemination of updated reports.<sup>6</sup>

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(b) Legal framework:

Manuals, regulations.

<sup>4</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Central Government, bilateral and multilateral cooperation bodies, NGOs, and organs dealing with health, housing and education;

(b) Citizen participation:

Children and adolescents.

<sup>5</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Ministry of Foreign Affairs, President of Congress, international and multilateral regional organizations such as the Central American Integration System (SICA), the Organization of American States (OAS) and the United Nations, senior health authorities.

<sup>6</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Government authorities involved, NGOs, international organizations, the media and parliaments.

46. It is recommended that a common rights-based agenda be developed, involving actors from government, civil society, the international cooperation community and the media, pursuant to the Committee's recommendations.<sup>7</sup>

47. It is recommended that States parties be requested not to promote, adopt or apply health legislation or programmes that contravene or are at variance with the Convention on the Rights of the Child.<sup>8</sup>

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<sup>7</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Government, civil society, international community, the media;

(b) Legal framework:

Convention on the Rights of the Child;

(c) Institutional framework:

National plans of action for children with an emphasis on health, national committees in each country, sectoral committees and application of a broadened sectoral approach;

(d) Communication:

Websites, bulletins, campaigns, sectoral committees;

(e) Capacity-building:

Modification of curricula from a rights perspective for all levels of education;

(f) Civil society participation:

Organization and integration in the different levels of organized groups (municipal, regional, etc.).

<sup>8</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Government, parliaments and civil society;

(b) Legal framework:

Convention on the Rights of the Child, national codes on children and adolescents and specific laws;

48. It is recommended that special committees for follow-up to international conventions and treaties be strengthened or set up in each State party parliament.<sup>9</sup>

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(c) Institutional framework:

Governments and parliaments;

(d) Communication:

The media, and complaints by civil society;

(e) Capacity-building:

Citizen training and development;

(f) Civil society participation:

National, municipal and provincial organizations.

<sup>9</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Parliaments;

(b) Legal framework:

Internal rules of each parliament;

(c) Institutional framework:

Parliament;

(d) Communication:

Publication in the official journal;

(e) Capacity-building:

Raising awareness among parliamentarians and give parliaments access to information, education and communication;

(f) Civil society participation:

Within the institutional framework.

49. It is recommended that the Committee create a tool with common indicators, including health indicators, to permit observation of advances in complying with the Convention using the same method, as well as quantitative measurement of progress in health.<sup>10</sup>

#### **D. Monitoring**

50. States parties are urged to promote a single coordinating authority, responsible for formulating and monitoring public policies for children and adolescents, with the following characteristics:

(a) It should have sufficient administrative, technical and financial autonomy, ensure the appropriate political participation of civil society and the representation of children and adolescents, and possess inter-institutional coordination mechanisms;

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<sup>10</sup> In relation to this recommendation, the working group decided the following:

(a) Actors:

Government institutions, the United Nations system and the Committee on the Rights of the Child;

(b) Legal framework:

Convention on the Rights of the Child;

(c) Institutional framework:

Meeting between the United Nations system and the Committee to take a joint decision on how to develop standard indicators;

(d) Communication:

Dissemination and advocacy of indicators and their results;

(e) Capacity-building:

Information, education and communication strategy for individuals, including institutional personnel and vulnerable groups;

(f) Civil society participation:

Active participation in the development, application and evaluation of indicators;

(g) Other:

Validation of these instruments by all actors.

(b) It will oversee dissemination and promotion of, and compliance with, the recommendations issued by the regional and universal protection systems. These aspects should be integrated into its plans of action and annual operational plans;

(c) The functions and responsibilities of this body/authority have to be clearly reflected in the law;

(d) Every level of the State with responsibilities for children and adolescents should have a body/authority with this mandate and these functions (federal, state and municipal).

51. States parties' attention is drawn to their obligation to establish an integrated national system that periodically produces reliable, disaggregated data in order to verify the progress made in complying with each article of the Convention on the Rights of the Child.

52. It is recommended that States parties, either as providers or recipients of bilateral and multilateral support, or through NGOs, give priority to programmes and policies that promote respect for human rights.

53. States parties are urged to identify, monitor and separately account for the execution and impact of national and local public spending designed to ensure compliance with the Convention on the Rights of the Child.

54. States parties are urged to explicitly include priorities related to compliance with the Convention in State public policies, such as poverty eradication strategies, national development plans and sectoral plans, and in regional integration processes, strategies and plans.

55. It is recommended that the role of ombudsmen in monitoring compliance with the Committee's recommendations be reinforced, taking account of the following:

(a) To fulfil this task, the ombudsman should develop effective participation mechanisms with civil society organizations and organizations for children and adolescents, and should seek expert opinions (from universities, international organizations, etc.);

(b) The ombudsman should draft a plan to follow up the application of the Convention and the recommendations, and should present periodic reports on the current situation with recommendations on how to improve compliance.

56. It is recommended that the members of the Committee on the Rights of the Child be available to visit the countries in the region to which they belong, subsequent to the drafting of the recommendations and that, during such visits, their inputs should primarily emphasize the themes that have been repeated in the recommendations.

57. It is recommended that the Committee call upon States parties to draft a programme of work for the implementation of the recommendations, incorporating the various competent entities with joint responsibility in this field.

58. It is recommended that, where the situation regarding compliance with the Convention deteriorates, the Committee could send a letter to the authorities concerned.



59. It is recommended that the Committee draft general guidelines that:

(a) Set forth good practices and help countries to extend the implementation and application of the recommendations;

(b) Provide a general framework defining the basic monitoring indicators of the Committee on the Rights of the Child on all articles of the Convention.

60. The Committee is requested to issue a general comment to define methodological guidelines for identifying and monitoring public spending to ensure compliance with the Convention.

### **E. Juvenile justice**

61. It is recommended that public policies specific to the juvenile criminal justice system that foster the application of the Convention, relevant international instruments and the Committee's recommendations be established, strengthened and implemented. Such policies should promote prevention and social reintegration.

62. It is recommended that the theme of juvenile criminal justice be incorporated into educational and training programmes designed for adolescents as subjects of rights.

63. It is recommended that priority be given to the implementation of non-custodial measures so as to encourage the process of socialization, integration and participation. Monitoring mechanisms should be adopted to ensure that deprivation of liberty, as both a precautionary measure and a punishment, is used only as a last resort, for more serious offences and for the minimum length of time possible.

64. It is recommended that the existence of independent supervisory mechanisms relating to respect for rights and guarantees be ensured, so that those responsible for rights violations may be reported, investigated and punished.

65. It is recommended that budgetary and other resources for the effective functioning of the juvenile criminal justice system be allocated, in order to make it compatible with the Convention and the relevant human rights instruments.

66. It is recommended that mechanisms be applied to sustain international cooperation initiatives with regard to training, investigation of the phenomenon of juvenile delinquency, and information and monitoring systems.

67. It is recommended that awareness-raising and information strategies on juvenile criminal justice be implemented, particularly targeting the media, thereby securing a framework for the protection of human rights.

68. It is recommended that effective measures be taken to eradicate "social cleansing" practices and to punish those responsible.

69. It is recommended that the authorities and entities involved in the protection of the rights of children and adolescents do not allow penalties to be increased, the minimum age of criminal responsibility to be lowered or adolescents to be treated as adults.

70. A general proposal is put forward to the General Assembly to provide the Committee on the Rights of the Child with the resources it needs to improve its capacity for support, follow-up and monitoring of its recommendations to States parties.

71. The United Nations system and the international community are requested to increase technical assistance in order to guarantee the necessary adaptation of the legal and institutional framework to the Convention on the Rights of the Child as far as juvenile justice is concerned.

## **F. Education**

72. It is recommended that national dissemination strategies be created for the recommendations issued to States parties, to make them available, in particular, to children and adolescents.

73. It is recommended that budgets reflect the priority that should be accorded to children and adolescents.

74. With regard to vulnerable groups, it is recommended that States parties:

(a) Eliminate restrictions or legal requirements that limit access to economic support programmes for education and to formal and technical education programmes in respect of age, origin, nationality and level of education;

(b) Develop public awareness-raising activities on the inclusion of groups suffering from stereotyping;

(c) Compile and disseminate statistics on vulnerable groups (ethnic minorities, child workers, children with different abilities, institutionalized children, migrant and refugee children) for the definition of focused education policies;

(d) Create specific programmes with respect to the educational needs of vulnerable groups, by incorporating their participation in the discussion and definition of specific educational programmes and by formulating public education policies enabling them to access and remain in the education system.

75. It is recommended that, in collaboration with civil society, the ministries of education in the subregion create, appoint or strengthen a mechanism responsible for following up and evaluating the implementation of the final recommendations of the Committee on the Rights of the Child through the drafting of regular public reports.

76. It is recommended that the national human rights institutions of the subregion develop quantitative and qualitative indicators enabling obstacles to the implementation of the Committee's final recommendations to be identified.

77. It is recommended that awareness-raising mechanisms on the right of children and adolescents to participation be created, targeting adults, in particular parents and teachers.

78. It is recommended that school curricula be revised to ensure a focus on the rights of the child in order to validate and strengthen the right of children and adolescents to participation in all areas.

79. It is recommended that the views of children and adolescents be taken into account in the following areas:

(a) Drafting of Government and alternative reports, submitted to the Committee following consultations open to them;

(b) Presentation of Government reports;

(c) Creation of mechanisms enabling children and adolescents to contribute to the Committee's programme of work;

(d) Decision-making on matters related to all levels of education (preschool, primary and secondary), through consultation mechanisms and representation in the relevant national bodies.

80. It is recommended that the media:

(a) Establish programmes encouraging children and adolescents to exercise their right to participation on matters that are in their interest and that concern them, at the national level;

(b) Develop public awareness-raising activities on the integration of groups suffering from stereotyping;

(c) Ensure that news relating to children and adolescents is presented from a human rights perspective, using the Convention on the Rights of the Child as a reference.

81. It is recommended that the monitoring and follow-up role of the Committee be strengthened with regard to the recommendations that it issues to States parties.

82. It is recommended that the Committee on the Rights of the Child include requests for the following in its recommendations to States parties of the subregion:

(a) An evaluation of the educational requirements of special needs groups suffering from stereotyping through the establishment of indicators to increase their social visibility and to quantify the negative effects of stereotyping with regard to the enjoyment of the right to education;

(b) Closer review of the design and application of the curriculum to respond to the particular identified needs of groups suffering from stereotyping;

(c) The application of affirmative measures for such groups with regard to resources and review of school curricula.

83. It is recommended that the Committee urge States parties to raise the standard of teacher training, in accordance with articles 28 and 29 of the Convention on the Rights of the Child, by involving teachers, those who train teacher trainers, the ministry of education and civil society, and amending laws on education (general law and law on the teaching profession).

84. The Committee is urged to influence and monitor more closely the support offered by international financial institutions, to guarantee that human rights and the best interests of the child are paramount considerations, particularly in relation to education.<sup>11</sup>

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<sup>11</sup> A public policy that has not been allocated adequate resources is non-existent.

In Central America, with a few exceptions, political statements about the importance of universal education are not backed up with a budget that would allow that rhetoric to be transformed into systematic, permanent practices.

The “historical debt” in respect of public education in Central America requires a particular effort in regard to budget allocations, not only to maintain a public, democratic, accessible, quality education system, but also to make up the ground lost from many years of neglect of the right to education.

In reality, however, public spending on education is not a priority in national budgets. Two factors may be highlighted that have a direct impact on this reality. The first is the lack of political will of the Governments of the subregion, for which democratic public education seems to be little more than a rhetorical device.

The second is the conditions imposed on Central American States by “control of public expenditure” and reduction of the fiscal deficit, which severely limit the real ability of States to allocate resources to the implementation of the human rights of their respective populations. It seems incongruous that the international financial institutions that preach about human rights are the very ones that most systematically curtail the already limited scope, of Governments to invest, for example, in public education.

Social investment is indispensable in our societies to allow social policy to transcend its current function as a mechanism for providing assistance and welfare and become a factor for development and well-being.

Actions by Governments and international financial institutions in Central America must be far more consistent with human rights requirements and in particular with the provisions of the Convention on the Rights of the Child, putting the well-being of the population - in particular of children and adolescents - before any other consideration.